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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/374,512 08/16/99 MURJI

Z CAN-121

EXAMINER

QM12/1115

AUDLEY A CIAMPORCERO JR. ESQ
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

KIDWELL, M

ART UNIT

PAPER NUMBER

3761

DATE MAILED:

11/15/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/374,512

Applicant(s)

MURJI, ZULFICAR

Examiner

Michele M. Kidwell

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

This is the second office action for application serial number 09/374,512, entitled THIN SANITARY NAPKIN ALLOWING FOR CONTROLLED DEFORMATION WHEN IN USE in response to Amendment A filed September 11, 2000.

Response to Arguments

Applicant's arguments with respect to claims 1 – 14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said longitudinal axis" in lines 11 – 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "said three dimensional deformation profile" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buell (US 5,171,302).

As to claim 1, Buell teaches a sanitary napkin adapted to be worn in a crotch portion of an undergarment, said sanitary napkin comprising:

- a) a fluid-pervious cover layer;
- b) an absorbent system under said cover layer;
- c) a liquid-impervious barrier layer under said absorbent system;
- d) said sanitary napkin being characterized by a thickness less than about 5mm;
- e) said liquid-impervious barrier layer including a pair of linear adhesive zones that extend along said longitudinal axis and are adjacent to respective side edges of the sanitary napkin, said linear adhesive zones being capable of bonding said sanitary napkin to the undergarment;
- f) said sanitary napkin having a main body with a longitudinal axis and two opposite longitudinal side areas, said sanitary napkin including a preferential bending line extending obliquely in relation to said longitudinal axis on said main body, said

preferential bending line extending from one longitudinal side area of the sanitary napkin to an opposite longitudinal side area as set forth in col. 2, line 50 to 21, line 47 and in figure 24. Although the lines of bending lines of the sanitary napkin have not been depicted as crossing the longitudinal axis, these lines are depicted as stemming from the longitudinal axis, and if they were allowed to extend slightly prior to the base of the configuration, the lines would cross the longitudinal axis. The extension of the preferential bending lines to encompass the entire sheet would be an obvious modification of Buell.

Regarding claim 2, Buell discloses a sanitary napkin characterized by a flexural resistance of not less than about 400g as set forth in col. 28, lines 27 – 38.

With reference to claim 3, Buell teaches a sanitary napkin wherein the bending line may be formed by embossing as set forth in col. 23, lines 27 – 42.

With respect to claim 4, Buell teaches a sanitary napkin includes a plurality of preferential bending lines as set forth in figure 24. Although the lines of bending lines of the sanitary napkin have not been depicted as crossing the longitudinal axis, these lines are depicted as stemming from the longitudinal axis, and if they were allowed to extend slightly prior to the base of the configuration, the lines would cross the longitudinal axis. The extension of the preferential bending lines to encompass the entire sheet would be an obvious modification of Buell. Further, it can be reasonably assumed that the invention of Buell would yield identical results to the claimed invention since Buell discloses a preferential bending zone which allows the sanitary napkin to fold at the

bending zone in response to lateral compression applied to said napkin and permitting said napkin to acquire a three-dimensional deformation profile as set forth in col. 2, line 65 to col. 3, line 10.

As to claim 5, since Buell discloses a preferential bending zone which allows the sanitary napkin to fold at the bending zone in response to lateral compression applied to said napkin and permitting said napkin to acquire a three-dimensional deformation profile as set forth in col. 2, line 65 to col. 3, line 10, it is unclear how the array of crossing points as set forth in claim 4 would provide an unexpected results or cause the claimed invention to function any differently than preferential bending lines disclosed by the invention of Buell.

With respect to claim 6, Buell teaches a sanitary napkin wherein a three dimensional deformation profile is a W profile as set forth in col. 17, lines 25 – 29.

As to claim 7, Buell discloses a sanitary napkin wherein said preferential bending zones are formed by a process selected from the group consisting of perforating, slitting, cutting and embossing as set forth in col. 13, lines 24 – 29.

With reference to claim 8, Buell teaches a sanitary napkin wherein said preferential bending zones are arcuate as set forth in col. 13, lines 59 – 61.

Regarding claim 9, Buell discloses a sanitary napkin wherein said preferential bending zones are aligned with respective longitudinal adhesive zones as set forth in col. 21, lines 20 – 54.

As to claims 10 and 11, Buell teaches a sanitary napkin meeting all of the limitations of the claims as set forth in col. 8, lines 36 – 49.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buell, as previously applied to claims 1 – 11 above, and in further view of Cohen (US 5,505,719).

Regarding claim 12, Buell discloses a sanitary napkin comprising an absorbent core that may be made by any means that is generally compressible, conformable and non-irritating to the wearer as set forth in col. 8, lines 36 – 61. Buell does not teach an absorbent system including an absorbent layer having a basis weight of from about 100 g/m² to about 700 g/m² which has been air-laid as a bottom strata of pulp, a middle strata of pulp and superabsorbent polymer disposed in amongst pulp, and a top stratum containing at least some pulp. The invention of Cohen does disclose this concept as set forth in col. 5, line 53 to col. 8, line 39.

As to claim 13, Cohen teaches a sanitary napkin wherein said absorbent system includes a plurality of absorbent layers in a superposed condition as set forth in figure 6.

It would be obvious to one having ordinary skill in the art to combine the inventions of Buell and Cohen since both inventions are related to a sanitary napkin which bends in response to applied lateral compression within the same field of endeavor.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buell as applied to claims 1 – 11 above, and further in view of Redwine (US 5,891,121).

With respect to claim 14, Redwine teaches a sanitary napkin including a fastener for retaining said sanitary napkin on an undergarment of a wearer wherein said fastener includes a flap as set forth in col. 4, lines 47 – 64. It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the invention of Buell with the fasteners Redwine since both inventions are within the same field of endeavor and the addition of fasteners to an absorbent article are well known in the art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3761

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele M. Kidwell whose telephone number is 703-305-2941. The examiner can normally be reached on Monday thru Friday, 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John G. Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Michele Kidwell

Michele Kidwell
November 11, 2000

John G. Weiss

John G. Weiss
Supervisory Patent Examiner
Group 3700